

**REMARKS**

Claims 1-5, 7-9, 11-17, 19 and 20 are pending. By this Amendment, claims 6, 10 and 18 are canceled and claims 1, 2, 7, 8 and 11-13 are amended. The subject matter of claims 6, 10 and 18 have been incorporated into independent claims 1, 8 and 12, respectively.

**I. The Claims Define Patentable Subject Matter**

The Office Action rejects claims 1, 6 and 7 under 35 U.S.C. §102(e) over U.S. Patent No. 6,163,043 to Hirano et al., claims 2-5 under 35 U.S.C. §103(a) over Hirano in view of U.S. Patent No. 6,518,168 to Clem et al., claims 8-12 and 17-20 under 35 U.S.C. §103(a) over Hirano in view of U.S. Patent No. 6,077,716 to Yoo and claims 13-16 under 35 U.S.C. §103(a) over Hirano and Yoo and further in view of Clem.

With respect to claims 6, 10 and 18 these rejections are moot. With respect to the remaining claims, these rejections are respectfully traversed.

Hirano does not disclose planarizing the dielectric layer so as to have a surface at the same level as the ferroelectric layer after forming the dielectric layer as in amended claims 1 and 12 or planarizing the dielectric layer so as to have a surface at the same level as the second signal electrode after forming the dielectric layer as in amended independent claim 8. With respect to claim 1, see specification at, e.g., Fig. 8 and page 24, line 4. With respect to claim 8 see, e.g., Fig. 4. With respect to claim 12, see, e.g., Fig. 14 and page 33, line 23.

In Hirano the lower electrodes 111a, ferroelectric layers 113 and upper electrodes 112a are completely covered by the second interlayer insulating films 104. See, e.g., Fig. 2.

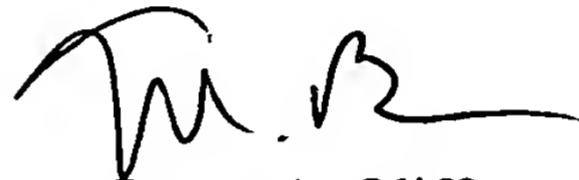
Clem and Yoo do not provide the deficiencies of Hirano.

## II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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